

PUBLIC HEARING
PROPOSED DRAFT COMPREHENSIVE PLAN AND
DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT
WEDNESDAY, FEBRUARY 4, 2009, 7:00 P. M.
NEW WINDSOR TOWN HALL
NEW WINDSOR, NEW YORK

BOARD MEMBERS PRESENT: Supervisor Green, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti, Councilman Lundstrom

OTHER OFFICIALS PRESENT: Town Attorney Blythe, Police Chief Biasotti, Comptroller Finnegan, Highway Superintendent Fay, Chief Information Technology Officer McDonald

SALUTE TO FLAG

Supervisor Green called to order a Public Hearing regarding the proposed draft Comprehensive Plan and the Draft Generic Environmental Impact Statement (DGEIS). The Town Clerk presented proof of publication as required by law.

Supervisor Green thanked the citizens committee, the infrastructure committee, the Town Board and Fred Doneit and Stu Turner of the Turner Miller Group. He said tonight's hearing is for public comment on both the Plan and the DGEIS and that recommendations for approval have been received by both the Orange County and New Windsor Planning Boards. Tonight there will be a short presentation from Fred and Stu, followed by questions and comments and he went over the Rules of Procedure as adopted by the Town Board. He said that copies of the maps were available in the front of the room. Sandra Kissam said she was concerned about one of the procedure rules having to do with the reading of a prepared statement. Supervisor Green said that is a part of the Town's rules of order and she was out of order. Mrs. Kissam said that a public hearing should allow for both written and verbal remarks. Supervisor Green said anyone can make written remarks, if they are prepared statements, they will not be read aloud, and that is part of our rules. She felt if it is read within the three minute allotted to a speaker it should be allowed. She then asked that the record reflect that. Supervisor Green said it would.

Stu Turner opened the presentation by introducing himself as one of the consultants working with the town with the preparation of the draft master plan. He said that back in 2007, the Town initiated the process of updating the Town's comprehensive plan. The Plan is a very important document and is used as a guide for decisions relating to land use, housing, conservation, to all aspects of creating the kind of community that a community wants to see in the future. His firm was retained, the Town appointed an advisory committee to work with them to help develop ideas, looking at where the community is currently, how it has developed, what the issues are, and then to develop a series of goals. This took about a year and when the committee completed its work, his firm made further revisions and presented a draft to the Town Board and they in turn requested opinions from the Planning Board. Opportunities for comments were provided through various office at Town Hall and the town's website, and input has been received from the community. There was a public meeting held by the advisory committee towards the conclusion of the committee's work before it made its presentation to the Town Board. The whole concept has been to try to create a vision of the future and a plan that both retains the quality of the residential neighborhoods, establishes guidelines for the creation of newer neighborhoods, economic development, conservation, provision of services, protecting watersheds – all these things have been brought together into a plan that reflects the broad range of concerns that have been expressed. Once tonight's session is finished, we will work together to make further refinements in the plan and then the revised document will go in front of the Town Board for adoption, then recommendations will go forward in amending the zoning code. That is where we are now.

Fred Doneit said the maps being presented are the current land use map, the existing zoning map and the plan map which illustrates the areas which highlight the proposals. He went over the main goals, objectives and recommendations of the plan including population, economic development, natural resources, transportation, parks, recreation and historic resources and zoning changes.

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Mr. Doneit said that there are twelve proposed zoning changes, specifically, eliminating the higher density residential area west of Beaver Dam Lake and converting it to lower density; eliminating a portion of the higher density residential area west of the Silver Stream Reservoir and converting to lower density consistent with an area near R-1 and R-2 zones; eliminating the Office and Light Industry zone along Route 207 and creating a new Office Residential district; eliminating Neighborhood Commercial zone along Route 207 and creating a new Limited Commercial district; rezoning the Bivona Lane area south of Route 207 from R-3 to a Limited Commercial district; extending the existing Planned Industrial zone east of Route 32 by rezoning town-owned lands from R-4 to Planned Industrial; rezoning a small portion of the northern frontage along Union Avenue east of Route 32 from R-4 to Highway Commercial; rezoning portions of the Forge Hill Road corridor from Neighborhood Commercial to Suburban Residential to Planned Industry; rezoning portions of the northeastern most section of the town from Planned Industry to Riverfront Development; rezoning southern frontage along Route 207 east of the Thruway to Washington Lake from Planned Industry to Suburban Residential to Mixed Use; rezoning the area east of the Thruway and west of Route 300 between the Last Encampment and Mertes Lane as Medium Density Residential; and finally rezoning the four hundred acre tract of land adjacent to Stewart Airport from AP to Airport and Planned Development. That concludes the zoning changes. Does anyone have any questions or comments?

Bob Calotta, Shaker Court, asked if the Moodna Creek area is going from an historical zone to becoming industrial. Fred Doneit said that there is historic property adjacent to Lafayette Paper and in order to expand the potential use... Supervisor Green said there is a proposal in front of the county legislature right now and the developer is looking to develop the area into a commercial parcel and needs a zoning change. The developer is going in with the cooperation of the county and hopefully it will become a viable parcel. There are other existing commercial properties down there. There are two historical houses there and the Supervisor is going to speak to the town historian about acquiring them at some point.

Mr. Calotta said that the roadway had been mentioned once as a natural byway and estuary. Supervisor Green said that the county did not want to give up the tax money for that type of endeavor and the town could not get a "no further action" agreement from the NYS DEC; however, the land opposite Moodna Creek belongs to the Town of New Windsor and sometime in the future he hopes that the town, together with the county and the Palisades Park Commission can get together to do something with the land. Mr. Calotta asked what type of industry is being planned for that area. Supervisor Green said that a mixed use industry of offices, some small warehouses and maybe some light manufacturing is what the proposal calls for now.

Mr. Turner said that part of that area is zoned commercial right now. There are also a series of proposals in the plan that override a lot of this, due to increased sensitivity to historical concerns so they would receive protection. The planned use of this area would not preclude the preservation of historic sites.

Pam McArdle, Forge Hill Road, said that that area is an historical corridor and is the county going to change that? She said it is her understanding there are very strict guidelines as to what can and cannot be done by the county on our roads. Supervisor Green said that he doesn't know if it is designated as an historical corridor by the county, but it is a Town road and based on town zoning. Mrs. McArdle said it is a county historical corridor, there are three of them in our town, based on her research. Supervisor Green said they may have designated that as an historical corridor but that has historically been a commercial operation. Supervisor said any changes would go to County Planning, however County Planning cannot dictate town zoning and planning, they can make a recommendation, but they cannot dictate. He doesn't know of any plans on the county's part to change that designation. Fred Doneit said that the zoning map does show the Forge Hill Road corridor as being in an historic corridor, it not clear if it is county designated or not. Mrs. McArdle wants to know how this will affect the homes on Forge Hill Road. Supervisor Green said they won't be affected any differently than the paper mill affected the area. The zoning is not going to change the nature of the building.

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Jerry Argenio, Sesame Street, said he wanted to take the opportunity as chairman of the Planning Board to make a generic statement about the historical resources within the Town. He said that historical and cultural resources have little to do with zoning. On the Planning Board level, when folks come to us with a plan for their property, before we consider the zoning districts, we look at the historical overlay and anything that is in that area, we tell the applicant to conduct some research, sometimes they have to do a Phase 1 or Phase 2 and that information is not only shared with Glen Marshall, the historian, but with the state office of parks and historical preservation and the state determines if there are any historical artifacts on that site. My point is that the preservation of historical resources is a little bit different than zoning.

Sandra Kissam said redoing a master plan is a wonderful opportunity to not consider, to overlook current proposals, the point is that you are designing a map of the future and the Moodna Creek corridor, whether or not it has been designated as historical, the fact is that prior industrial usage led to the degradation of the stream which is a major tributary of the Hudson River and as such Riverkeeper is probably extremely concerned. To reinstate an industrial zone there, when that industrial zone in past years was responsible for major pollution. Your effort should be to protect that watershed, putting an industrial use there does not protect it and based on the proposals coming in, it is just the wrong way to go.

Mrs. Kissam said that in reference to the Stewart lands, recently the IDA determined that the parcel west of Drury Lane does not lend itself to development and she hopes that the master plan takes that into consideration. With regard to Brown's Pond, Mrs. Kissam says that although the plan sounds good, with regard to Brown's Pond or Silver Stream Reservoir, the fact is that it does not address current issues. She said she is very concerned that the quality of water be preserved. Mrs. Kissam concluded by thanking the board for the opportunity to speak.

Supervisor Green said that he would address the issue of Brown's Pond later, but with regard to the four hundred acres at Stewart there is some useful land out there, about fifty four acres. That will probably be addressed in the plan finalization within the next couple of weeks. The part he said he is more concerned with is in the area of Tenny's Pond and the agreement that SPARC had with the state which doesn't seem to be honoring their side. Mrs. Kissam said that there is access and people are now able to utilize that area.

Frank Bedetti said that the 1975 Master Plan identified two historic corridors, are they retained in the new plan or have they been gotten rid of? Mr. Bedetti said that Mr. Argenio said that the master plan does consider things that are being built in those corridors and if that designation is taken away, that takes a little bit of leverage away from the Planning Board. Stu Turner said that their intent was to retain those corridors and if necessary that can be spelled out more clearly. Supervisor Green said he didn't think that was changed, and the original suggestion of the committee stands.

Leo Braun asked about an article in the Sentinel relating to crosswalks at Five Corners and he wanted to know if there was going to be a crosswalk put in on Union Avenue connecting the junior high school with the tennis courts at San Giacomo Park. Supervisor Green said crosswalks are not encouraged there, the tennis courts are town property, not school property and students are not encouraged to cross over Union Avenue to use our courts. Mr. Braun also wanted to know what the property east of Route 32 is going to be designated as. Fred Doneit said that it covered a very small area, only about six parcels fronting Union Avenue, to be designated as commercial use.

William Steidle, Jackson Avenue, said he served on the master plan committee. He said there were three issues the master plan committee felt strongly about and each of these issues has been changed in the draft plan. The first is the need for a professional planner which the committee feels would be beneficial to both the Town Board and the Planning Board. The second issue has to do with historic resources. The committee tried to promote four historic corridors and all four districts have been removed from the current plan. In the planned industrial zoning on Forge Hill Road, we not only have historic houses there, we also have

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Knox Headquarters and Moodna Creek and we have parkland along Butterhill, now to be changed from commercial to industrial. The committee recommended that this become a residential zone and it be looked at as a green belt from Knox's Headquarters down to Butterhill. The third issue is Brown's Pond. Lakes, particularly lakes that serve as a water supply, should be protected. The committee wanted low density zoning and an overlay zone near Brown's Pond. The problem lies not with the plan, but with the senior housing allowed by the Town Board. It was a mistake to zone Brown's Pond watershed for multifamily homes and hopefully the Town Board will reconsider their decision. He said that thirty five years ago, he attended the last master plan meeting for the original master plan, he said he did not speak at the time although he regretted it afterward, so tonight he is speaking.

Diane Newlander, Lannis Avenue is concerned about Forge Hill Road being changed to industrial. She said that we have all seen what has happened to that area in the past. She is also concerned about Brown's Pond and the fact that senior housing is permitted so close to it. Mrs. Newlander said that the historic corridors have been eliminated from the new plan together with a recommendation for a resolution protecting historic areas and she hopes the board will reconsider those aspects of the proposed comprehensive plan. She said she has a list of items which she would like to submit to the board for their consideration before finalizing the master plan.

Ian McDougald has a letter from the City of Newburgh which he presented to the Town Board voicing their concerns about Brown's Pond.

Debbie Schiraldi is concerned about agricultural overlays which she said are gone from the new maps in the proposed plan. She said she caters to equine and farm friendly consumers who move into our area and she said the Town needs zoning which protects these. Supervisor Green said that the agricultural zone is a designation and if it is still a farm, the zoning will not change. The Ag overlays are reviewed every ten years by the county, the county submit the Ag districts to the towns and the towns look at the districts and if it is still a viable farm, it remains in that overlay. She said she had dropped off a letter and some material from Cornell Cooperative Extension.

Kirk Williams, Riley Road, wants to know what the input from the Port Authority was on the zoning changes. Supervisor Green said they did not consult the Port Authority with reference to any zoning changes. Mr. Williams wanted to know if the town has any idea as to their current or future plans and the supervisor replied that he has reached out to them many times since they took over in October with little response.

Deb Menckens, Rock Tavern said that she currently lives in an agricultural district and asked what the Town Board was going to do to protect people who live in an agricultural district like she does. Supervisor Green said they are not changing the agricultural designation and if what she is doing is consistent with agriculture, it will not change. She wanted to know what the town was going to do to encourage other residents to become small farmers. The Supervisor said there are simply not that many large working farms left in the Town of New Windsor. If they are in an agricultural district and it fits the zoning, why wouldn't the town support that. Stu Turner said when the zoning ordinance is reviewed, one of the goals will be to protect agriculture.

Don Doerring, Mt. Airy Road, had concerns about Brown's Pond. He said the plan mentioned a watershed protection law but does not give a lot of detail, he also wants a larger buffer zone, special permits are discussed but the regulations for obtaining them are not. He said he would like to see the watershed delineated and put on a map to be included in the plan because if no one knows where the watershed is, it can't be protected. He would also like to see the town hire a wetlands planner to find the wetland areas within the Town.

Supervisor Green said that a lot of the issues Mr. Doerring mentioned will be addressed, the overlays will be in the new zoning map and obviously there is going to be a lot of zoning changes. Stu Turner said that a specific watershed overlay will be part of the zoning.

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Bob Calotta said that the proposed industrial area on Forge Hill Road sits right in the middle of the area that Supervisor Green said might be used for walkways and things of that nature. Supervisor Green said that the green area sits on the opposite side of the stream. Mr. Calotta said that this is a historical district and the Town has the opportunity to bring back that historical spirit to the area.

Supervisor Green said he thinks that there is a misconception that we are going to be putting some type of heavy industry down there and that is not what we plan, he said he could not go into details as it is proprietary information right now with the developer. Mr. Calotta asked if the zoning in that area was not changed, would that kill the developer's plan. Supervisor Green said that it has a pre-existing use.

The Town Attorney said this has a preexisting non-conforming use, and it has been in a residential zone since at least the forties or fifties. The Town tried to make that area into a park, but because of a lot of foot dragging by the DEC, and the pollution issues, that couldn't happen. Now we have someone coming in to use the existing structure and the Town cannot say you can't use that, it is going to become a park. It is privately owned and the town can't do that. Mr. Calotta asked what restrictions the town can put in so nothing will be substantially changed. Stu Turner said specific rules relating to watersheds and stream protection laws are going to be put into effect which will affect any type of building goes into the area.

Pam McArdle had concerns about the traffic on Forge Hill Road, she said the road is much busier now than it was when the paper mill was located there. Supervisor Green said that would be covered at the Planning Board level.

Fran Maxwell said that in 1975 it was written in the Master Plan about historical corridors and she feels that it needs to be put in writing in the new Master Plan as well. Supervisor Green said that if it was inadvertently left out, it will be put back in.

William Steidle wanted to know about the other historic districts which were recommended by the advisory committee and deleted in the new plan. Supervisor Green said they will go back and look at them.

Supervisor Green said that tonight we heard several comments regarding watershed protection so he wanted to be very clear on the subject. For more than two years he has agreed that both the City of Newburgh and the Town of New Windsor should sit down together and draft watershed protection plans that insures the quality of both Brown's Pond and Washington Lake. He said he has requested both suggestions and a draft of what she believed was appropriate from the former City Manager. To this date, no response has been received. Instead she has opted to go to state agencies and county agencies to complain of a situation that was made by the City of Newburgh through an easement agreement with a developer and through their own negligence in failing to update their antiquated 1941 watershed protection rules.

Supervisor Green said that they have already developed a draft of new watershed regulations that will be more far reaching and much more stringent than those that have been recently suggested by the Orange County Department of Planning. These rules will be incorporated into our new zoning laws following the adoption of the comprehensive plan. He said he wanted it to be perfectly clear that this Town Board will never consent to participation in our day to day planning and zoning by the City of Newburgh or any other municipality beyond what is required by SEQRA or any other applicable laws, and anyone who believes otherwise is delusional.

He also pointed out that our watershed plans are not just limited to Washington Lake and Brown's Pond. With that he entertained a motion to close the hearing.

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MOTION – CLOSE PUBLIC HEARING

Motion by Councilwoman Mullarkey, seconded by Councilwoman Weyant that the Town Board of the Town of New Windsor close the Public Hearing in the matter of the 2009 Comprehensive Plan and Draft Generic Environmental Impact Statement.

Roll Call: All Ayes

Motion Carried: 5-0

Supervisor Green thanked everyone for coming to the hearing and said that there will be a short recess before the start of the regular Town Board meeting.

Respectfully submitted,

DEBORAH GREEN
TOWN CLERK

/clc